

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Derrick A. Jones,

Petitioner,

v.

Warden Sean Jansen,

Respondent.

C/A No. 2:23-cv-06977-SAL

ORDER

Petitioner Derrick Jones filed this action pursuant to 28 U.S.C. § 2241 seeking application of earned time credits. ECF No. 1. On May 21, 2024, Respondent filed a motion to dismiss or motion for summary judgment. ECF No. 12. Petitioner has not responded to the motion. This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Mary Gordon Baker, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the court dismiss this action with prejudice for lack of prosecution and failure to comply with this court’s orders under Fed. R. Civ. P. 41(b). ECF No. 26. Neither party filed objections to the Report, and the time for doing so has expired.

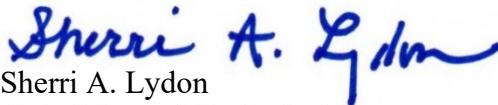
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 26, and incorporates it by reference herein. The petition is accordingly **DISMISSED with prejudice**.

IT IS SO ORDERED.

September 26, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge